

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully reconsidering this application.

Disposition of Claims

Claims 1, 2, 4, 7, 8, 10, 12, 13, 20, and 21 are pending in this application, and claims 3, 5, 6, 9, 11, 14-19, and 22-24 have been cancelled by way of this reply. Claims 1 and 4 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 9.

Claim Amendments

Claims 1, 4, 7, and 10 have been amended in this reply to clarify the present invention and claims 3, 5, 6, 9, 11, 14-19, and 22-24 have been cancelled. Claim 1 has been amended to include the limitations previously recited within claim 3, claim 4 has been amended to include the limitations previously recited within claims 5 and 6, and claims 7 and 10 have been amended to correctly depend from claim 4. Accordingly, no new matter has been added by these amendments, as support for the amendments may be found within the originally filed claims, at least.

Further, claims 14-18 and 22-24 have been cancelled in this reply in Response to the Restriction Requirement mailed October 11, 2007. Applicant reserves the right to pursue the subject matter of these cancelled claims within a co-pending divisional application to be filed at a later time.

Claim Rejections under 35 U.S.C. § 102Rejection of Claims 1, 2, 4-13, 20, and 21

Claims 1, 2, 4-13, 20, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 733,963 ("Hinman"). Independent claim 1 has been amended in this reply to incorporate the limitations previously recited within dependent claim 3. Accordingly, because dependent claim 3 was not rejected as anticipated by Hinman, this rejection is now moot with respect to independent claim 1. Further, independent claim 4 has been amended in this reply. To the extent that this rejection applies to independent claim 4 as amended, this rejection is respectfully traversed.

Claim 4 recites an umbrella storage apparatus having an apparatus main body and a plurality of supporting members arranged with a longitudinal direction thereof directing in a direction intersecting with an up-and-down direction and with basal parts thereof supported on the apparatus main body. The apparatus further includes a plurality of umbrella retaining locks disposed side-by-side on at least one side part of the supporting members along the longitudinal direction of the supporting member and each is adapted to retain a part-to-be-retained of the umbrella. The supporting members are mutually spacedly arranged in the horizontal direction. The apparatus yet further includes a gap between the mutually adjacent two supporting members and an extension part of the gap downward by a predetermined distance are open forward in the longitudinal direction of said supporting members. The plurality of supporting members are arranged in mutually parallel relation, and the apparatus main body is provided at least at one side part thereof in the separation direction of the plurality of supporting members with a reference plane directing toward the outside in the separation direction. The reference plane is arranged to be separated outward by a predetermined distance or more from the umbrella

retaining lock adjacent the inner side in the separation direction with respect to said reference plane.

Hinman discloses, particularly in Figures 1 and 3, an umbrella stand 1 formed from front and rear supports 2, 3 connected by horizontal bars 4, 5. A top 13 of the frame is provided with openings for umbrellas, in which the openings are connected at different elevations by vertically disposed bars 15, forming a step-like arrangement. The top 13 is also designed such that a multiple locking device (shown with detail in Figure 3) may be provided for each of the openings, in which the locking devices may secure each of the umbrellas individually within the umbrella stand 1.

However, Applicant respectfully asserts that Hinman fails to teach all of the elements of independent claim 4, as amended. Specifically, claim 4 additionally requires the supporting members to be arranged in a parallel relationship and be separated from each other with a separation plane therebetween. The separation plane defines a predetermined distance between the umbrella retaining locks of each of the supporting members. Hinman does not disclose or suggest this required arrangement and separation of the supporting members for the umbrella storage apparatus.

For example, as shown in Figure 2 of the present application, the umbrella storage apparatus A has multiple supporting members 4, in which each supporting member 4 is attached to a supporting column part 2 and includes multiple umbrella retaining locks 5, 5'. The supporting members 4 are arranged in a parallel relationship with respect to each other, and the reference planes 2d, 2e are separated outward by a predetermined distance from the retaining locks 5, 5'. This predetermined distance enables multiple umbrellas to be placed within the umbrella storage apparatus A without having interference between each of the supporting

members 4 and the retaining locks 5, 5'. As such, Hinman fails to show or suggest having a parallel relationship between any supporting members, much less a separation plane therebetween to define a predetermined distance between the umbrella retaining locks and the supporting members, both as required by claim 4 of the present application.

Applicant respectfully notes that in order for a claim to be anticipated, "every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). In view of the above, Hinman fails to teach each limitation recited in independent claim 4, as amended, as required to support a rejection under § 102. Thus, independent claim 4 is patentable over Hinman. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 1, 2, 4-13, 20, and 21

Claims 1, 2, 4-13, 20, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 532,953 ("Grimes"). Independent claim 1 has been amended in this reply to incorporate the limitations previously recited within dependent claim 3. Accordingly, because dependent claim 3 was not rejected as anticipated by Grimes, this rejection is now moot with respect to independent claim 1. Further, independent claim 4 has been amended in this reply. To the extent that this rejection applies to independent claim 4 as amended, this rejection is respectfully traversed.

Grimes shows in Figures 1 and 2 an umbrella rack having a base 10 with a standard 12 projecting upward from the base 10. A hub 13 is connected to the top of the

standard 12, and arms 14 radiate outward from the hub 13. Clips 17 are then attached to each side of each arm 14, and these clips 17 may secure an umbrella therein.

However, as with Hinman of above, Applicant respectfully asserts that Grimes also fails to teach all of the elements of independent claim 4, as amended. As discussed above, claim 4 additionally requires the supporting members to be arranged in a parallel relationship. For example, as shown in Figure 2, the umbrella storage apparatus A has multiple supporting members 4, in which the supporting members 4 are arranged in a parallel relationship with respect to each other. Grimes, though, does not disclose or suggest this required arrangement and separation of the supporting members for the umbrella storage apparatus. Rather, in Grimes, the umbrella rack has the arms 14 radiate outward from the hub 13 such that the arms 14 form a circular pattern. As such, Grimes fails to show or suggest having a parallel relationship between any supporting members, as required by claim 4 of the present application.

In view of the above, Grimes fails to teach each limitation recited in independent claim 4, as amended, as required to support a rejection under § 102. Thus, independent claim 4 is patentable over Grimes. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Rejection of Claims 3 and 19

Claims 3 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grimes in view of U.S. Patent No. 6,598,753 ("Ming"). Dependent claim 19 has been cancelled in this reply. Accordingly, this rejection is now moot with respect to dependent claim 19. Further, independent claim 1 has been amended in this reply to incorporate the limitations

previously recited within dependent claim 3. To the extent that this rejection applies to independent claim 1 as amended, this rejection is respectfully traversed.

Claim 1 recites an umbrella storage apparatus having an apparatus main body and a supporting member arranged with a longitudinal direction thereof directing in a direction intersecting with an up and down direction and with a basal part thereof supported on the apparatus main body. The apparatus further includes a plurality of umbrella retaining locks disposed, side by side, on at least one side part of the supporting member along the longitudinal direction of the supporting member and adapted to retain a part-to-be-retained of the umbrella. The basal end part of the supporting member is rotatably supported on the apparatus main body about a horizontal axis between a use position, where the longitudinal direction of the supporting member is directed in a direction intersecting with the up and down direction, and a receipt position, where the distal end part is located generally downward of the basal end part and the entire supporting member is disposed generally along said apparatus main body. The apparatus main body is rotatably provided with a cosmetic cover, and the cosmetic cover can rotate between an open position and a closed position. The cosmetic cover, when located in the open position, allows the supporting member to rotate between the use position and the receipt position, and when located in the closed position, covers the supporting member located in the receiving position and the umbrella retaining lock in co-action with the apparatus main body.

Ming discloses, particularly in Figure 1, discloses foldable umbrella stand having two mutually opposite posts 10, 20, with the upper ends of the posts 10, 20 having grid frames 30 attached thereto and the lower ends of the posts 10, 20 having water collecting trays 40 attached thereto. When not in use then, the grid frames 30 and the water collecting trays 40 may be rotated vertically upward, such as shown in Figure 5.

However, Applicant respectfully asserts that Grimes and Ming, whether considered separately or in combination, fail to teach all of the elements of independent claim 1, as amended. Specifically, claim 1 requires the apparatus main body to have a cosmetic cover, in which the cosmetic cover covers the supporting member when the supporting member is rotated into the receiving position. For example, as shown in Figure 1 of the present application, the umbrella storage apparatus A includes a cosmetic cover 2f disposed on one side of the supporting column part 2. The cosmetic cover 2f is rotatable between an open position and a closed position. When in the closed position, the supporting member 4 may be received within the supporting column part 2, and the cosmetic cover 2f may then fully cover the entirety of the supporting member 4. Neither Grimes nor Ming, though, show or suggest having a cosmetic cover to cover the supporting member when the supporting member is rotated into the receiving position. Thus, Grimes and Ming fail to show or suggest the present invention, as recited in claim 1.

In view of the above, Grimes and Ming, whether considered separately or in combination, fail to show or suggest the present invention as recited in independent claim 1, as required to support a rejection under § 103. Thus, claim 1 is patentable over Grimes and Ming. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 12088/027001).

Dated: May 2, 2008

Respectfully submitted,

By 

Jonathan L. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant